



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Langzhi Xie et al.

Serial No. 10/509,293

Art Unit: 1648

Filed: September 23, 2004

Examiner: Chen, Stacy Brown

For: METHODS OF VIRUS PRODUCTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By C. Rapacki Date 4/25/07

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

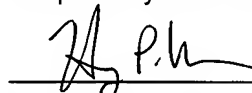
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☒ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Henry P. Wu

Attorney \_\_\_\_\_ For Applicant(s)

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Date: April 25, 2007

## STATEMENT BY APPLICANT

APR 30 2007

(use as many sheets as necessary)

**COMPLETE IF KNOWN**

<b>Application Number</b>	10/509,293
<b>Filing Date</b>	September 23, 2004
<b>First Named Inventor</b>	Liangzhi Xie et al.
<b>Group Art Unit</b>	1648
<b>Examiner Name</b>	Chen, Stacy Brown
<b>Attorney Docket Number</b>	21038P

Sheet

1

of

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Attorney Docket Number 21038P

[illegible][illegible]Date  
Considered

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE</b>  <b>STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>COMPLETE IF KNOWN</b>		
			Application Number	10/509,293	
			Filing Date	September 23, 2004	
			First Named Inventor	Liangzhi Xie et al.	
			Group Art Unit	1648	
			Examiner Name	Chen, Stacy Brown	
Sheet	2	of	2	Attorney Docket Number	21038P

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	C01	Bett et al., 1994, "An efficient and flexible system for construction of adenovirus vectors with insertions or deletions in early regions 1 and 3", Proc. Natl. Acad. Sci. USA 91:8802-8806
	C02	Capstick et al., 1967, "Factors affecting the production of foot-and-mouth disease virus in deep suspension cultures of BHK21 Clone 13 cells", J.Hyg. 65:273-280
	C03	Fallaux et al., 1996, "Characterization of 911: A New Helper Cell Line for the Titration and Propagation of Early Region 1-Deleted Adenoviral Vectors", Human Gene Therapy 7:215-222
	C04	Fallaux et al., 1998, "New Helper Cells and Matched Early Region 1-Deleted Adenovirus Vectors Prevent Generation of Replication-Competent Adenoviruses", Human Gene Therapy 9:1909-1917
	C05	Gao et al., 2000, "A Cell Line for High-Yield Production of E1-Deleted Adenovirus Vectors without the Emergence of Replication-Competent Virus", Human Gene Therapy 11:213-219
	C06	Hoggan et al., 1959, "The Effect of the Temperature of Incubation on the Formation and Release of Herpes Simplex Virus in Infected FL Cells", Virology 8:508-524
	C07	Imler et al., 1996, "Novel complementation cell lines derived from human lung carcinoma A549 cells support the growth of E1-deleted adenovirus vectors", Gene Therapy 3:75-84
	C08	Jardon et al., 2003, "pH, pCO <sub>2</sub> , and Temperature Effect on R-Adenovirus Production", Biotechnol. Prog. 19:202-208
	C09	Le Doux et al., 1999, "Kinetics of Retrovirus Production and Decay", Biotechnol. Bioeng. 63:654-662
	C10	McTaggart et al., 2000, "Effects of Culture Parameters on the Production of Retroviral Vectors by a Human Packaging Cell Line", Biotechnol. Prog. 16:859-865
	C11	Parks et al., 1997, "A Helper-Dependent System for Adenovirus Vector Production Helps Define a Lower Limit for Efficient DNA Packaging", J. Virol. 71:3293-3298
	C12	Ross et al., 1979, "The Effects of Temperature and pH variations on Plaque Production by Different Virulence Types of Myxoma Virus", J. Gen. Virol. 43:213-216
	C13	Schiedner et al., 2000, "Efficient Transformation of Primary Human Aminiocytes by E1 Functions of Ad5: Generation of New Cell Lines for Adenoviral Vector Production", Human Gene Therapy 11:2105-2116
	C14	Schweitzer-Thumann et al., 1994, "Effect of an elevated temperature on the replication of HIV1 in a monocytic cell line", Res. Virol. 145:163-170
	C15	Shabram P. W. et al., 1997, "Analytical Anion-Exchange HPLC of Recombinant Type-5 Adenoviral Particles", Human Gene Therapy 8:453-465

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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